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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/713,047	11/17/2003	Wen Hsiang Yuch	MR1957-798	1148
4586	7590	02/23/2006	EXAMINER	
ROSENBERG, KLEIN & LEE 3458 ELLICOTT CENTER DRIVE-SUITE 101 ELLICOTT CITY, MD 21043			NGUYEN, DUC M	
			ART UNIT	PAPER NUMBER
			2685	

DATE MAILED: 02/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/713,047

Applicant(s)

YUEH, WEN HSIANG

Examiner

Duc M. Nguyen

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2685

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 11, 13-15, 18-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 11, 13-15, 18-20 recites the limitation "said remote Bluetooth module" in the claims. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims **1-17** are rejected under 35 U.S.C. 103(a) as being unpatentable by **Lehtonen (US 2001/0049262)**.

Regarding claim **1**, **Lehtonen** discloses a headset (read on mobile storage device) which comprises a Bluetooth transceiver attached thereto for providing hands-

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free functions of mobile calls, files transfer, and playing music to a user (see Abstract, Fig. 3 and [0011] to [0017]), which would include all the claimed limitations, comprising:

- a memory control module as claimed (see Fig. 3, [0031] regarding memory card driver);

- an MP3 processing module as claimed (see Fig. 3, [0031]);

- a Bluetooth earphone module as claimed (see [0032]);

- a control switch as claimed (see [0033], [0044]). Here, although **Lehtonen** fails to disclose the control switch is an “electronic” switch, one skilled in the art would recognize benefits of an “electronic” switch over other switches (i.e, mechanical switch, magnetism switch, etc.), to modify **Lehtonen** for utilizing an “electronic” switch as claimed, for cost saving.

Regarding claim **2**, the claim is rejected for the same reason as set forth in claim 1 above. In addition, **Lehtonen** would disclose a display as claimed (see [0017], [0050]).

Regarding claim **3**, the claim is rejected for the same reason as set forth in claim 1 above. In addition, **Lehtonen** would disclose a flash memory as claimed (see [0046]), in order to be able to continue the music from the point when the playback was interrupted.

Regarding claim **4**, the claim is rejected for the same reason as set forth in claim 1 above. In addition, **Lehtonen** discloses a memory card reader as claimed (see Fig. 3, [0041]).

Regarding claim **5**, the claim is rejected for the same reason as set forth in claim 1 above. In addition, it is clear that **Lehtonen** would obviously disclose a MP3 decoding "chip" as claimed (see [0019] regarding the integrating of the memory card and MP3 player in the headset), in order to allow the headset to be kept small (i.e, utilizing advantages of tiny sizes of IC chips).

Regarding claim **6**, the claim is rejected for the same reason as set forth in claim 5 above. In addition, **Lehtonen** would disclose an electrically connected playback key as claimed (see Fig. 2, [0034]).

Regarding claim **7**, the claim is rejected for the same reason as set forth in claim 5 above. In addition, **Lehtonen** would obviously disclose selection keys as claimed (see Fig. 2, [0038], [0042]), if the basic user interface is implemented in the headset.

Regarding claim **8**, the claim is rejected for the same reason as set forth in claim 5 above. In addition, **Lehtonen** would disclose volume keys as claimed (see Fig. 2, [0034]).

Regarding claim **9**, the claim is rejected for the same reason as set forth in claim 1 above. In addition, since utilizing a recording device in a mobile phone is well known in the art (Official Notice), it would have been obvious to one skilled in the art at the time the invention was made to modify **Lehtonen** for recording important phone calls as well. By doing so, it is clear that the MP3 processor would obviously comprise an MP3 encoding chip data in order to store voice data in MP3 compressed data format, for preventing overloading memory spaces of the mobile phone (see [0052], [0047]).

Regarding claim **10**, it is clear that **Lehtonen** as modified in claim 9 above would obviously disclose a recording key as claimed, in order for a user to control and record important phone calls only.

Regarding claims **11-12**, the claims are rejected for the same reason as set forth in claim 1 above. In addition, **Lehtonen** would disclose a remote Bluetooth module connected to a computer equipment (i.e, memory card or computer servers of a communication network) for transferring digital data as claimed (see [0031] and [0041]).

Regarding claims **13-14**, the claims are rejected for the same reason as set forth in claim 5 above. In addition, **Lehtonen** would disclose a remote Bluetooth module connected to a mobile phone for listen/answer phone calls as claimed (see Fig. 3 and [0035]).

Regarding claims **15-16**, the claims are rejected for the same reason as set forth in claim 5 above. In addition, **Lehtonen** would disclose a remote Bluetooth module connected to a mobile phone for transferring digital data as claimed (see Fig. 3 and [0052]).

Regarding claim **17**, the claim is rejected for the same reason as set forth in claim 1 above. In addition, since utilizing a function key in a mobile phone for switching a communication mode is well known in the art (Official Notice), it would have been obvious to one skilled in the art at the time the invention was made to modify **Lehtonen** for utilizing a function key as claimed, as an alternative choice for a switch.

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4. Claims **18-20** are rejected under 35 U.S.C. 103(a) as being unpatentable by **Lehtonen** in view of **Reshefsky** (US Patent Number **6,873,862**).

Regarding claims **18-19**, **Lehtonen** would disclose all the claimed limitations, see claim 1 above, except for the control switch is switched automatically upon receiving an incoming call. However, **Reshefsky** discloses a headphone for connecting to an MP3 player as well as to a cellular phone, wherein a control switch is switched automatically upon receiving an incoming call (see Abstract, Fig. 1 and col. 4, lines 17-36). Here, since one of skilled in the art would recognize of need of preventing a user from missing telephone calls while he/she is listening to music, it would have been obvious to one skilled in the art at the time the invention was made to incorporate the above teaching Reshefsky to Lehtonen for providing such an automatic switch, for utilizing the "automatic" feature to further enhance conveniences to the user.

Regarding claim **20**, it is clear that **Lehtonen** as modified in claims 18-19 above would disclose the step of re-connecting to the MP3 player when the call is terminated (see Reshefsky, col. 4, lines 26-29).

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- US20030036360A1 to **Russell** et al,
- US006606506B1 to **Jones**,
- US005771441A to **Altstatt**, and
- US006006115A to **Wingate**.

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6. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(571) 273-8300 (for **formal** communications intended for entry)

(571)-273-7893 (for informal or **draft** communications).

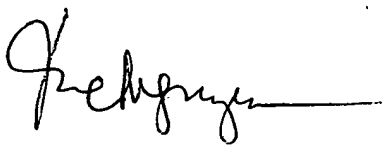
Hand-delivered responses should be brought to Customer Service Window,  
Randolph Building, 401 Dulany Street, Alexandria, VA 22314.

Any inquiry concerning this communication or communications from the examiner  
should be directed to Duc M. Nguyen whose telephone number is (571) 272-7893,  
Monday-Thursday (9:00 AM - 5:00 PM).

Or to Doris To (Supervisor) whose telephone number is (571) 272-7629.

Duc M. Nguyen

Feb 13, 2006

A handwritten signature in black ink, appearing to read 'Duc M. Nguyen', with a long horizontal line extending to the right.